

ORDINANCE NO. 3-A

AN ORDINANCE DEFINING, REGULATING AND LICENSING SOLICITORS AND PEDDLERS AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF AND THE REPEALING OF ANY AND ALL ORDINANCES IN CONFLICT THEREWITH.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE INCORPORATED TOWN OF STRATTON, COLORADO:

Section 1. Permit and License Required. It shall be unlawful for any solicitor or peddler as defined in this Ordinance to engage in such businesses within the corporate limits of the Town of Stratton, Colorado, without first obtaining a permit and license therefor in compliance with the provisions of this Ordinance.

Section 2. Solicitor Defined. A solicitor is defined as any individual whether resident of the Town of stratton, Colorado, or not, traveling either by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, from house to house or from street to street within the incorporated limits of the Town of Stratton, taking or attempting to take orders for sale of good, wares, merchandise, or personal property of any nature whatsoever for future delivery or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject or such sale or whether he is collecting advance payments of such sales or not.

Section 3. Peddler defined. A peddler is defined as any individual whether a resident of the Incorporated Town of Stratton or not, who shall sell and deliver or offer for sale to consumers, any goods, wares, merchandise, fruits, vegetables, or country produce, traveling from place to place, or from house to house, or from street to street within the corporate limits of the Town of Stratton, Colorado, or who shall sell or offer for sale and delivery any goods, wares, merchandise, fruits, vegetables or country produce from any wagon, motor truck, automobile or other vehicle, going from place to place, home to home, or street to street within the corporate limits of the Town of Stratton, Colorado.

Section 4. Solicitor and Peddler Application. Applicants for a solicitor's or peddler's permit and license under his Ordinance must file with the Town Clerk at least five days prior to the date upon which the applicant desires to begin his business within the corporate limits of the Town of STRATTON, a sworn application in writing o a form to be furnished by the said Town Clerk which shall give the following information ;

- (a) The name and description of the applicant;
- (b) The permanent home address and full local address of the applicant;
- (c) A brief description of the nature of the business and goods shown for sale or for future delivery;
- (d) If employed, the name and address and phone number of the employer together with credentials establishing the exact relationship between the employer and employee;

ORDINANCE NO. 3-A CONTINUED

(e) The length of time for which the right to do business is desired;

(f) Two identical photographs of the applicant, which reasonably identify the applicant; such photographs shall measure two inches by two inches;

(g) The fingerprints of the applicant;

(h) A statement as to whether or not taken by City Clerk or Town Marshall, whether the applicant has ever been convicted of any crime or misdemeanor and if the applicant has been so convicted a statement as to the nature of the offense and conviction;

(i) A written statement of a reputable physician of the State of Colorado dated not more than five days prior to the filing of the application with the Town Clerk, certifying the applicant to be free of contagious, infectious or communicable diseases.

At the time of filing of the application, a fee of Ten Dollars shall be paid to the Town Clerk to cover the cost of investigating the facts stated therein.

Section 5. Investigation and Issuance. (a) upon receipt of such application, an investigation shall be conducted at the direction of the Town Clerk to determine the applicant's business and moral character and health.

(b) If as a result of such investigation, the applicant's character and business responsibility of health is found to be unsatisfactory, the Town Clerk shall so endorse upon the application and set forth the reasons therefor and thereupon shall notify the applicant of the disapproval of such application that no permit or license will be issued thereunder.

(c) If as a result of such investigation the applicant's character, business responsibility and health is found satisfactory, the Town Clerk shall endorse the same on the application and upon receipt of the necessary fees as set forth hereafter, shall execute and deliver to the applicant a license and permit to carry on such business within the corporate limits of the Town of Stratton for a period of time, not exceeding thirty days, except as hereinafter set forth.

(d) The license and permit so issued to a successful applicant shall contain the signature and seal of the issuing officer, the type of license or permit issued, the kind of goods to be sold thereunder, the date of issuance and expiration date thereof and a two inch photo of the applicant.

Section 6. Fees

(a) The license and permit fee which shall be charged in advance by the Town Clerk for any such license and permit shall be \$2.50 per day, \$10.00 per seven day week and \$25.00 per thirty day month.

(b) An annual license and permit may be obtained by paying to the City Clerk the sum of Fifty Dollars per year in advance. This license shall be kept in full force and effect by submitting to the Town Clerk after each thirty day period which the annual license is in force, a sworn statement setting forth that the facts as contained in the original application still remain the same as set forth

ORDINANCE NO. 3-A CONTINUED

therein. If such written statement is not filed at the end of every thirty day period during which the annual license and permit is to be in full force and effect, the Town Clerk can suspend the said permit and license and any such business carried on after the suspension of the license shall be deemed a violation of the said Ordinance.

(c) None of the license fees provided for by this ordinance shall be so applied as to occasion and undue burden upon interstate commerce. In any case where a license fee is believed by the licensee of applicant for a license or permit to place an undue burden upon such commerce, he may apply to the Mayor for a adjustment of the fees so they will not be discriminatory, unreasonable or unfair as to such commerce. Such application may be made before, at or within six months after payment of the prescribed license fee. The applicant shall, by affidavit and supporting testimony, show his method of business and the gross volume or estimated gross volume of business and such other information as the Mayor may deem necessary in order to determine the extent if any, of such undue burden on such commerce. The mayor shall then conduct an investigation, comparing applicant's business with other businesses of like nature and shall make findings of facts from which he shall determine whether the fee fixed by this Ordinance is unfair, or unreasonable or discriminatory as to applicant's business and shall be fixed as the license fee for the applicant, an amount that is fair, reasonable and not discriminatory, or, if the fee has already been paid, he shall order a refund or the amount over and above the fee so fixed.

Section 7. Exhibit of License. Solicitors and Peddlers are required to exhibit their licenses and permits at the request of any citizen of the Incorporated Town of Stratton, Colorado.

Section 8. Duty of Police to enforce. It shall be the duty of any police officer or marshall of the Town of Stratton, Colorado to require any person seen soliciting or peddling and who is not known by such office to be duly licensed to produce his solicitors or peddler's license and permit and to enforce the provisions of this Ordinance against any person found to be violating the same.

Section 9. Revocation of License. Permits and licenses issued under the provisions of this Ordinance may be revoked by the Board of Trustees of the Town of Stratton, Colorado, after notice and hearings, for any of the following causes:

- (1) Fraud, misrepresentation, or false statement contained in the application for the license;
- (2) Fraud, misrepresentation, or false statement made in the course of carrying on his business as solicitor or as peddler;
- (3) Any violation of this Ordinance;
- (4) Conviction of any crime or misdemeanor involving moral turpitude;
- (5) Conduction of business of soliciting, or of peddling, in any unlawful manner or in such a manner as to constitute a breach of the peace, to constitute a menace to the health, safety or general welfare of the public.

Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and

ORDINANCE NO. 3-A CONTINUED

the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his local address as set forth on the application at least five (5) days prior to the date set for the hearing.

Section 10. Appeal. Any person aggrieved by the action of the police or marshall of the Town of Stratton or the town Clerk in the denial of a permit or license or the suspension of a permit or license as provided for in this Ordinance, or the action of the Mayor in assessing of fees as provided for in this Ordinance, shall have the right of appeal to the Board of Trustees of the Town of Stratton, Colorado. Such appeal shall be taken by filing with the Board of Trustees, within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The Board of Trustees shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the appellant in the same manner as provided for in Section 9 or this Ordinance for notice of hearing on revocation. The decision and order of the Board of Trustees shall be final and conclusive, except as provided for by the laws of the State of Colorado.

Section 11. Expiration of License. All licenses issued under the provisions of this Ordinance shall expire on the date as set forth thereon.

Section 12. Any person violating any of the provisions of this Ordinance shall, upon conviction thereof be punished by a fine not to exceed One Hundred Dollars (\$100.00) for each such violation or by imprisonment not to exceed thirty days or both such fine and imprisonment.

Section 13. Severance Clause. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall for any reason be held invalid of the remaining sections, sentences, clauses and phrases of this Ordinance but they shall remain in full force and effect, it being the legislative intent that this Ordinance shall stand notwithstanding in invalidity or unconstitutionality of any par.

Section 14. Repeal of Conflicting Ordinances. All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance, be and the same are hereby repealed.

Section 15. Effective Date. This Ordinance shall take effect from and after its passage and publication as provided for by the Laws of the State of Colorado.

MADE AND PASSED BY the Board of Trustees of the Town of Stratton, Colorado at a regular meeting held on the third day of April, A.D. 1969.

MAX TOLAND, MAYOR

(SEAL)

ATTEST: JACK SCHEIDEGGER, TOWN CLERK

10